1645 0/SB/21 (09-04)

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| PE | | İ | Application Number | 10/0 | 076,634 | | ` | |
|----------------------|--------------------------------------|-----------------------|---|-------------|-------------------|--------------------|---|--|
| RANSMITTAL | | | Filing Date Fet | | February 19, 2002 | | | |
| T 1 200 E FORM | | First Named Inventor | Pau | I HABERN | 1ANN e | t al. | | |
| | | | Art Unit | 164 | 5 | | | |
| (to be used for | all correspondence after initial f | īlina) | Examiner Name | DUF | FFY, Patric | ia A. | | |
| & TRACE | f Pages in This Submission | g, | Attorney Docket Numbe | r DEA | AV2001/00 | 09 US I | NP | |
| Total Hamber's | | | | | | | | |
| | | ENCL | OSURES (Check | all that a | pply) | | | |
| Fee Tran | smittal Form | | rawing(s) | | | | Allowance Communication to TC | |
| F- | ee Attached | L Li | icensing-related Papers | | | of App | al Communication to Board peals and Interferences | |
| Amendm | ent/Reply | | etition etition to Convert to a | | | | al Communication to TC al Notice, Brief, Reply Brief) | |
| | fter Final | □ P | rovisional Application lower of Attorney, Revoca | ition | | Propri | etary Information | |
| ┃ | ffidavits/declaration(s) | | hange of Correspondence | | s L | | Letter | |
| Extension | n of Time Request | | erminal Disclaimer | | | below | Enclosure(s) (please Identify): | |
| Express A | Express Abandonment Request | | lequest for Refund | | | | | |
| Information | on Disclosure Statement | <u></u> | CD, Number of CD(s) | | | | | |
| 0.15.4 | | Landscape Table on | CD | | | | | |
| Certified Documer | Copy of Priority | Remark | | | | | | |
| | Missing Parts/ | 1. PTO-1 2. US 5,3 | | | | | | |
| | te Application eply to Missing Parts | 3. DE 34 4. WO 0 | | | | | | |
| L_J u | nder 37 CFR 1.52 or 1.53 | 5. US 5,8 | 824,505 | | | | | |
| | | 6. AU 72 | 20204 | | | | | |
| | SIGNAT | TURE O | F APPLICANT, ATT | ORNE | Y, OR AG | ENT | | |
| Firm Name | AVENTIS PHARMACE | UTICALS | S INC. | | | | | |
| Signature | 0_4 | 2 | | | | | | |
| Printed name | Joel B. German | | | | | | | |
| Date October 8, 2004 | | | Reg. No. 48,6 | | | 76 | | |
| | | | | - | | | | |
| | CE | RTIFIC | ATE OF TRANSMIS | SION/I | MAILING | | | |
| I hereby certify th | at this correspondence is be | eing facsim | nile transmitted to the USI ressed to: Commissioner | PTO or do | eposited wit | h the Un x 1450 | ited States Postal Service with Alexandria, VA 22313-1450 on | |
| the date shown b | | | | | , | | | |
| Signature | 11 | | | | | | • | |
| Typed or printed | name Jonas Pierre, S | Sr. | | | | Date | October 8, 2004 | |
| | | | | | · ** | 1 | | |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 1 2 2004

In re Application of HABERMANN, et al.

Application No.: 10/076,634

Filed: February 19, 2002

Title: FUSION PROTEINS CAPABLE OF BEING SECRETED INTO A FERMENTATION

MEDIUM

Examiner: **DUFFY, Patricia A.**

Art Unit: 1645

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Colimissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 8, 2004

Signature

UNDER 37 C.F.R. 1.56, 1.97 AND 1.98

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Applicants submit herewith patents, publications, and other information of which they are aware, which they believe may be material, as defined in 37 C.F.R. 1.56(b), to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. 1.56(a). While the information referred to in this Information Disclosure Statement may be material pursuant to 37 C.F.R. 1.56(b), the filing of this Information Disclosure Statement is not intended to, pursuant to 37 C.F.R. 1.97(h), constitute an admission that any patent, publication or other information referred to is, or is considered to be, material to the patentability of this invention. Pursuant to 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information exists.

(a) This Information Disclosure Statement is filed within the period set forth in §1.97(b) because it accompanies the new patent application submitted herewith, is filed within three months of the filing date of a national application or within three months of the date of entry of the national stage as set forth in §1.491 in an international application, or is believed to be filed before the mailing date of a first Office Action on the merits, whichever event occurs last. However, in the event that the first office action has been mailed, the Commissioner is authorized to charge any fees under 37 C.F.R. 1.17(p) or credit any overpayment to Account No. 18-1982.

DEAV2001/0009 US NP Serial No.: 10/076,634 -1-

| \boxtimes | (b) | This | Information Disclosure Statement is filed after the period set forth in 37 |
|-------------|-------------|------|--|
| | | C.F. | .R. 1.97(b), but is believed to be filed before the mailing date of a final action |
| | | und | er §1.113 or a notice of allowance under §1.311, whichever occurs first. |
| | | (1) | The undersigned attorney certifies that each item of information contained |
| | | | in this Information Disclosure Statement was cited in a communication |
| | | | from a foreign patent office in a counterpart foreign application not more |
| | | | than three months prior to the filing of this statement; |
| | | (2) | The undersigned attorney certifies that no item of information contained in |
| | | | this Information Disclosure Statement was cited in a communication from a |
| | | , | foreign patent office in a counterpart foreign application or, to the |
| | | | knowledge of the undersigned attorney after making reasonable inquiry, |
| | | | was known to any individual designated in §1.56(c) more than three |
| | | | months prior to the filing of this statement; or |
| | \boxtimes | (3) | This Information Disclosure Statement is accompanied by a transmittal |
| | | | letter in which payment of the fee set forth in §1.17(p) and required by 37 |
| | | | C.F.R. 1.97(c) is authorized. |
| | | | |

In the Office Action dated June 16, 2004, the Examiner indicated that she did not review certain foreign-language references because the Applicants did not submit with them a statement in English of their relevance. The Applicants submit that information now.

European Patent Application No. 0 158 564 corresponds to U.S. Patent No. 5,824,505 and European Patent Application No. 0 549 915 corresponds to U.S. Patent No. 5,316,947. European Patent Application No. 0 775 710 corresponds to Australian Patent No. 726264. The Applicants submit in the accompanying IDS those three (3) patents.

German Patent Application No. 100 33 195 corresponds to PCT Patent Application No. WO 02/04486; the Applicants submit the PCT application as well. As to German Patent Application No. 100 33 195, the Applicants provide the following translation of its abstract:

The invention relates to bi-functional fusion proteins, comprising hirudin, or a variant of hirudin and TAP (Tick Anticoagulant Peptide) or a variant of TAP, the production and use of bi-functional fusion proteins and medicaments containing said bi-functional proteins.

As to German Patent Application No. 34 30 556, the Applicants provide the following translation of its abstract:

The invention relates to a process for purifying dimethyl terephthalate (DMT). A DMT-containing mixture is used whose DMT content is above the DMT content of the eutectic composition. The DMT-containing mixture is melted and the DMT is allowed to crystallise out by cooling, but without the DMT content in the impurities reaching the eutectic composition.

Respectfully submitted,

Joe B. German, Reg. No., 48,676 Attorney/Agent for Applicant

Aventis Pharmaceuticals Inc.
Patent Department
Route #202-206 / P.O. Box 6800
Bridgewater, NJ 08807-0800
Telephone (908) 231-3444
Telefax (908) 231-2626

Aventis Docket No. DEAV2001/0009 US NP

| Please | tyne a | nhis sign | (+) insid | de this box |
|---------|--------|-----------|-------------|-------------|
| 1 10030 | ιγρφα | pius sign | (T) 1113K | 10 0112 000 |

PTO/SB/08A (10-96)
Approved for use through 10/31/99. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

| Under the Paperwork Reduction Act of 1995, no | person are | required to respond to | a collection of information unless it contains a valid OMB control number. |
|---|------------|------------------------|--|
| | 另一 | 30) | Complete if Known |

| Substitute for form 1449A/PTO | Wr | OB |
|---|----------------|----|
| Substitute for form 1449A/PTO INFORMATION DI | SCLOS | RE |
| STATEMENT BY | APPLICA | NT |

(use as many sheets as necessary)

Sheet 1 of

| Complete if Known | | | | | |
|-------------------------------|-------------------------|--|--|--|--|
| Application Number 10/076,634 | | | | | |
| Filing Date | 02-19-2002 | | | | |
| First Named Inventor | HABERMANN, et al. | | | | |
| Group Art Unit | 1645 | | | | |
| Examiner Name | DUFFY, Patricia A. | | | | |
| Attorney Docket Number | DEAV2001/0009 - US - NP | | | | |

| | U.S. PATENT DOCUMENTS | | | | | | | |
|-----------------------|-----------------------|----------------------|---|---|--|--|--|--|
| Examiner Initials* | Cite No.1 | U.S. Paten Number | t Document Kind Code ² (if known) | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | | |
| Ī | | 5,824,505 | | TOLSTOSHEV, et al. | 10-20-1998 | | | |
| | | 5316947 | | | 05-31-1994 | | | |
| | | | | | | | | |
| | | | - | | | | | |
| | | | - | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | , | | | | | | |
| | | | | | | | | |
| | | ļ | | | | | | |
| | | | | | | | | |
| | | ļ | | | | | | |
| | | | | · · · · · · · · · · · · · · · · · · · | | | | |
| | | | | | | | | |
| | | <u> </u> | | , , ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | 1 | | | |
| | | | | | | · | | |
| | | | | | | | | |

| | FOREIGN PATENT DOCUMENTS | | | | | | | | | |
|----------------------|--------------------------|--------|---|--|--|--|--|------------|--|--|
| Examiner Initials | Cite No.1 | Office | Foreign Patent Doc Number ⁴ | cument Kind Code ⁵ (if known) | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Тв | | |
| | | ΑU | 726264 | | MOELLER | 02-15-2001 | | | | |
| | | wo | 02/04486 | | HABERMANN | 01-17-2002 | | | | |
| | | ļ | | | | ļļ | | lacksquare | | |
| | | | : | | | | | + | | |
| | | | | | | | | | | |
| | | | | | _ | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

| Examiner | Date | |
|-----------|------------|--|
| Signature | Considered | |

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English tanguage Translation is attached.